HON'BLE MR JUSTICE A. GOPAL REDDY

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WRIT PETITION NO.132 OF 2000

DATE:03.04.2006

Between:

Mohmad Baji

..... PETITIONER

AND

The Joint Collector, West Godavari

District at Eluru & two others.

.....RESPONDENTS

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HON'BLE MR JUSTICE A. GOPAL REDDY

W.P. No.132 OF 2000

ORDER:

Petitioner, who is a licenced kerosene hawker bearing licence No.8/86, dated 18.1.1994, which is valid upto 31.12.1999 was carrying on business of selling kerosene in a rikshaw from door to door within the area of D.No.10-3-53, Ramakrishna Puram, Eluru having been attached to a fair price shop bearing No.69. While so, on receipt of a complaint that the petitioner was not distributing the kerosene to the card holders attached to him and causing inconvenience to them, the Inspector of Civil Supplies Department conducted inspection on 25.11.1999 and found that the petitioner to be in possession of 400 litres of kerosene in excess to the permitted quantity under the licence. Accordingly, the Inspector seized the ground stock of 664 litres of kerosene and a case was registered against the petitioner for the offences under Clause 12(i) & (ii), Clause 22 & 28 of the A.P. Petroleum (L&RS) Order, 1980, Clause 3(ii) & (vi) of the Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993 r/w Section 7 of the Essential Commodities Act, 1955 (for short 'the Act'). Pending the proceedings under Section 6-A of the Act, the Joint Collector-first respondent herein ordered for disposal of the seized stock and the Mandal Revenue Officer-second respondent herein was instructed to dispose of the said stock to the card holders attached to the fair price shop No.69. Accordingly, the second respondent made alternative arrangements by tagging the cards of fair price

shop No.69 to one Karri Ramu, another hawker of fair price shop No.50 in order to avoid hardship to the card holders of shop No.69. As the licence of the petitioner was suspended by the second respondent on 9.12.1999 pending enquiry against him, the present writ petition has been filed.

In the counter affidavit filed by the respondents, it is stated that pending the proceedings under Section 6-A of the Act, before the first respondent, the licence of the petitioner has been suspended invoking the Clause 28 of the licence for the irregularities committed by the petitioner.

Heard the learned counsel for the petitioner as well as the learned Government Pleader. Perused the material on record.

Learned Government Pleader produced a letter, dated 28.3.2006 addressed by the first respondent wherein it is stated that the enquiry under Section 6-A of the Act was disposed of on 29.2.2000 directing for confiscation of 50 per cent of the seized stock or its value to the Government, and the said order has not been challenged so far.

In view of the above, since the 6-A proceedings initiated against the petitioner are ended in confiscation, if the licence of the petitioner has not been extended/renewed on expiry of its validity i.e. 31.12.1999, giving a direction to the respondents not to suspend the licence of the petitioner does not arise. However, the licencing authority is directed to pass appropriate orders in view of the orders passed by the first respondent under Section 6-A of the Act, within a period of two weeks from the date of receipt of a copy of this order and communicate a copy of the same to the petitioner.

Accordingly, the Writ Petition is dismissed. No costs.

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A. GOPAL REDDY, J

3rd APRIL, 2006.

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